



Tr CMP.No.776 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.01.2025

CORAM

THE HON'BLE MR.JUSTICE **V.LAKSHMINARAYANAN**

Tr CMP.No.776 of 2024 &
CMP.No.16954 of 2024

K.Thamizhoviya : Petitioner

versus

D.Vinoth : Respondent

Prayer: Petition filed under Section 24 of the Code of Civil Procedure to withdraw the HMOP.No.78 of 2024 on the file of Sub Court, Chidambaram and transfer the same to the Family Court, Thiruvannamalai.

For Petitioner : Mr.B.Sundarapandiyan

For Respondent : Mr.T.Sundaravadanam

ORDER

This transfer petition is at the instance of the wife. She seeks withdrawal of HMOP.No.78 of 2024 from the file of Sub Court, Chidambaram and transfer the same to the file of the Family Court, Thiruvannamalai.



Tr CMP.No.776 of 2024

WEB COPY

2. I heard both sides. I have gone through the affidavit.

3. The petitioner married the respondent on 19.08.2021. From the wedlock, they were blessed with a child. Due to disputes and differences, the parties have separated. The respondent/husband initiated proceedings in H.M.O.P.No.78 of 2024 for divorce before the learned Subordinate Judge at Chidambaram, Cuddalore District. Pleading that the wife is residing in Thiruvannamalai and unable to travel from Thiruvannamalai to Chidambaram, she has moved this transfer petition.

4. The Parliament, while amending the Hindu Marriage Act, has incorporated Section 19(iii), permitting a wife to initiate a proceeding in a place where she is residing. This is an indication to the Court that the convenience of the wife has to be given precedence by the Court. In line with this Parliamentary amendment, this Court and the Supreme Court have consistently held in matters of transfer, the convenience of the wife should be given a superior consideration than that of the husband. As the distance



Tr CMP.No.776 of 2024

between Thiruvannamalai and Chidambaram is considerable and since it will be difficult for the wife to leave the child behind and travel to attend the Court, I am inclined to accept the transfer.

5. Accordingly, H.M.O.P.No.78 of 2024 is withdrawn from the file of the learned Subordinate Judge at Chidambaram and transferred to the file of the learned Family Judge at Thiruvannamalai.

6. The Family Court need not insist upon the appearance of the husband on all hearing dates. For non-essential and procedural hearings, the husband will be represented by a counsel. He shall however present himself before the Court when the Trial Court passes a specific order for his appearance or when his presence is indispensable.

7. With the above observations, the Transfer Petition is ordered. No costs. Consequently, connected miscellaneous petition is closed.

24.01.2025

nl



Tr CMP.No.776 of 2024

Index : Yes/No

Speaking Order/Non speaking order

Neutral Citation : Yes/No



WEB COPY



Tr CMP.No.776 of 2024

V.LAKSHMINARAYANAN, J.
nl

To

- 1.The Sub Court, Chidambaram
- 2.The Family Court, Thiruvannamalai

Tr CMP.No.776 of 2024

24.01.2025